

EMERY CELLI BRINCKERHOFF ABADY WARD & MAAZEL LLP

JONATHAN S. ABADY  
MATTHEW D. BRINCKERHOFF  
ANDREW G. CELLI, JR.  
RICHARD D. EMERY  
DEBRA L. GREENBERGER  
DIANE L. HOUK  
DANIEL J. KORNSTEIN  
JULIA P. KUAN  
HAL R. LIEBERMAN  
ILANN M. MAAZEL  
KATHERINE ROSENFELD  
ZOE SALZMAN  
SAM SHAPIRO  
EARL S. WARD  
O. ANDREW F. WILSON

ATTORNEYS AT LAW  
600 FIFTH AVENUE AT ROCKEFELLER CENTER  
10<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10020

TEL: (212) 763-5000  
FAX: (212) 763-5001  
www.ecbawm.com

VASUDHA TALLA  
ERIC ABRAMS  
NAIRUBY L. BECKLES  
DAVID BERMAN  
NICK BOURLAND  
DANIEL M. EISENBERG  
SARA LUZ ESTELA  
ANDREW K. JONDAHL  
SANA MAYAT  
HARVEY PRAGER  
VIVAKE PRASAD  
MAX SELVER  
EMILY K. WANGER

October 20, 2023

*Via ECF*

Hon. Naomi Reice Buchwald  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *Morgan et al. v. City of New York*, No. 23 Civ. 1079 (NRB)

Dear Judge Buchwald:

This firm represents Plaintiffs Anthony Morgan and David Nieves, the brothers of decedent Michael Nieves and the administrators of his estate, in the above-captioned matter. As discussed during the October 16, 2023 teleconference with the Court, we write jointly with counsel for the City of New York to respectfully request that the Court endorse the discovery schedule proposed below.

1. The parties shall exchange initial disclosures on or before **October 30, 2023**;
2. The parties shall serve initial document requests and interrogatories on or before **December 4, 2023**;
3. The deadline to amend the pleadings shall be **February 2, 2024**;
4. The deadline to complete fact discovery shall be **May 31, 2024**;
5. Expert reports shall be due **45 days after the close of fact discovery**, with any rebuttal expert reports due **45 days thereafter**;
6. The deadline to complete expert discovery shall be **60 days after the disclosure of all expert reports**; and
7. The parties shall submit a status report to the Court **every 60 days**.

EMERY CELLI BRINCKERHOFF ABADY WARD & MAAZEL LLP  
Page 2

We thank the Court for its consideration.

Respectfully submitted,

/s

Jonathan S. Abady  
Samuel Shapiro  
Emily K. Wanger

cc: All Counsel of Record (via ECF)

Application granted.



NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE

Dated: October 23, 2023  
New York, New York